

REMARKS

INTRODUCTION

In accordance with the foregoing, no new matter is being presented, and approval and entry are respectfully requested. Therefore, claims 1-29 are pending and under consideration. Reconsideration is respectfully requested.

DOUBLE PATENTING

In the Office Action, claims 1, 8 and 25 were rejected under the judicially created doctrine of double patenting as unpatentable over claims 1, 11 and 18 of copending Application No. 10/691,595 in view of Lim (US Patent No. 5,625,520). However, applicant notes that a terminal disclaimer is not being filed. Applicant further notes that an appropriate terminal disclaimer will only be filed at such time as the outstanding issues in the claims are resolved.

REJECTION UNDER 35 U.S.C. §103

In the Office Action, at page 3, numbered paragraph 6, claims 1-5, 7-8, 10-12, 14, 18, 24-26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wallin et al. (U.S. 3,819,899) in view of Lim (U.S. 5,625,520). The rejection is traversed and reconsideration is requested.

Regarding the rejection of claim 1, applicant notes that claim 1 recites a microwave oven, comprising a transformer assembly accommodating a transformer and filled with a cooling material to cool the transformer, and a **temperature-sensitive switch electrically connected to the transformer to shut off power when a temperature of a surface of the transformer assembly is a predetermined overheating temperature.**

Nevertheless, the Office Action suggests that the claimed invention is obvious in view of Wallin and Lim because, in part, Lim “discloses a temperature-sensitive switch (TH) electrically connected to the transformer (T2).” Responsively, applicants point out that, even if Lim discloses a temperature-sensitive switch (TH) electrically connected to the transformer (T2), as suggested, the combination of Wallin and Lim do not render claim 1 obvious.

For support, applicant notes that neither Wallin nor Lim disclose a feature that corresponds to the claimed temperature sensitive switch that causes a power shut off when the surface of the transformer assembly reaches a predetermined temperature. With respect to

Wallin, this fact is undisputed. Meanwhile, Lim merely discloses a thermostat that is connected to one of two terminals t1 or t2 of first coil L3 as well as another thermostat TH that is connected on the outer surface of second coil L4 to sense the temperature of the second coil L4. See *Lim*, column 3, lines 63-67 through column 4, lines 1-13. Thus, since Lim only discloses thermostats which sense internal temperatures of the transformer, Lim does not disclose a temperature sensitive switch that causes a power shut off when the **surface of the transformer assembly** reaches a predetermined temperature.

Therefore, the rejection is believed to be overcome and claim 1 is believed to be patentably distinguished over any combination of the references to Wallin and Lim.

Regarding the rejections of independent claims 8, 24 and 25, applicant respectfully asserts that since these claims recite substantially similar subject matter as claim 1, the rejections are believed to be overcome, and these claims are believed to be patentably distinguished over the combination of Wallin and Lim for substantially similar reasons as noted above.

Regarding the rejections of claims 2-5, 7, 10-12, 14, 18, 26 and 28, applicants note that these claims depend from claims 1, 8, 24, and 25 and are, therefore, patentably distinguished from Wallin and Lim for at least substantially similar reasons as set forth above. Thus, these rejections are believed to be overcome as well.

In the Office Action, at page 4, numbered paragraph 7, claims 1-3, 6, 7-10, 13, 14, 18-20, 24-25, 27 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wallin et al. (U.S. 3,819,899) in view of Cooney (U.S. 2,053,944). The rejection is traversed and reconsideration is requested.

Here, applicant notes that Cooney also fails to disclose a temperature sensitive switch that causes a power shut off when the surface of the transformer assembly reaches a predetermined temperature. Rather, Cooney discloses a thermal element which is heated in accordance with current flowing in a second winding of the disclosed transformer and a second thermal element that is responsive to the temperature of the transformer cooling medium. See *Cooney*, column 2, lines 29-34. In other words, it appears that neither thermal element in Cooney is capable of causing a power shut off when the surface of the transformer assembly reaches a predetermined temperature since neither thermal element sense the surface temperature of the transformer.

Therefore, applicant respectfully asserts that the rejections of claims 1-3, 6, 7-10, 13, 14, 18-20, 24-25, 27 and 28, are believed to be overcome and that these claims are patentably distinguished over the combination of Wallin and Cooney.

In the Office Action, at page 5, numbered paragraph 8, claims 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wallin et al. (U.S. 3,819,899) in view of Lim (U.S. 5,625,520) and further in view of Hay (U.S. 4,523,169). In the Office Action, at page 5, numbered paragraph 9, claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wallin et al. (U.S. 3,819,899), in view of Lim (U.S. 5,625,520) and further in view of Reed (U.S. 1,571,300). In the Office Action, at page 6, numbered paragraph 10, claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wallin et al. (U.S. 3,819,899), in view of Lim (U.S. 5,625,520), of Reed (U.S. 1,571,300) and further in view of Cronin (U.S. 4,169,965). These rejections are traversed and reconsideration is requested.

With respect to each of these rejections, applicant notes that claims 16, 17, 23, and 29 depend from claim 8, and that the additionally cited references fails to cure the deficiencies of the references as noted above. Therefore, applicant respectfully asserts that the rejections of claims 16, 17, 23, and 29 are believed to be overcome and that these claims are believed to be patentably distinguished over the prior art.

ALLOWABLE SUBJECT MATTER

Since all rejections are believed to be overcome, applicant asserts that all of the rejected claims are allowable for at least the reasons as set forth above. Further it is noted that, although claims 15, 21, and 22 were objected to as being dependent upon a rejected base claim, claims 15, 21 and 22 are also allowable.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections, except for the double patenting rejections, have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 18, 2004 By: 
Howard I. Levy
Registration No. 55,378

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501